

1  
2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 BOBBY W. WELLS,

6 Plaintiff,

7 v.

8 MICHAEL ALBERTS, et al.,

9 Defendants.

CASE NO. C13-5883 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

10 This matter comes before the Court on the Report and Recommendation ("R&R")  
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 11. The Court  
12 having considered the R&R and the remaining record, and no objections having been  
13 filed, does hereby find and order as follows:

14 (1) The R&R is **ADOPTED**; and

15 (2) The Court dismisses this action prior to service for the reasons stated in the  
16 Report and Recommendation. The Court finds this dismissal counts as a strike pursuant  
17 to 28 U.S.C. § 1915(e)(1) and (g) because the action is dismissed for failure to state a  
18 claim. The court revokes in forma pauperis status for the purpose of appeal.

19 Dated this 2nd day January, 2014.

20  
21 

22 BENJAMIN H. SETTLE  
United States District Judge